

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

JANUARY 29, 2008

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, January 29, 2008 at 3:24 p.m., in Committee Room#2.** The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable C. T. Martin, Vice-Chair
The Honorable Carla Smith
The Honorable Anne Fauver
The Honorable Joyce Sheperd
The Honorable H. Lamar Willis**

Others present at the meeting were: Marissa Key and Amber Robinson, Law Department; Deputy Chiefs George Turner, Carlos Banda and, Peter Andresen, Major Pearlene Williams, Lt. Gwendolyn Glass and Lt. Debra A. Williams, Director Malachi Hull, Police Department; Raines Carter, City Solicitor, the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:24 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA – ADOPTED AS AMENDED TO ADD ONE RESOLUTION**
- B. APPROVAL OF MINUTES – APPROVED**
- C. PRESENTATION ON THE VICTIMS/WITNESS ASSISTANCE PROGRAM/IDENTITY THEFT GRANT - BRENDA MUHAMMAD, MUNICIPAL COURT**

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 08-R-0111 (1) Claim of **Sam Kamber**, for damages alleged to have been sustained as a result of driving over a pothole on September 25, 2007 at 1970 Hills Avenue. **\$529.64**

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Two

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 08-R-0112 (2) Claim of **Lakia Collier**, for damages alleged to have been sustained as a result of driving over a pothole on August 19, 2007 at 1970 Hills Avenue. **\$610.97**
- 08-R-0113 (3) Claim of **Darren Green & Sandra Font-Green**, for damages alleged to have been sustained as a result of debris from a City vehicle falling on the roadway on October 13, 2007 on 285 Westbound at the county line. **\$715.87**
- 08-R-0114 (4) Claim of **Yakima Hudson**, for damages alleged to have been sustained as a result of driving over a pothole on September 11, 2007 at 1970 Hills Avenue. **\$824.64**
- 08-R-0115 (5) Claim of **Erin Page, Henry E. Page and Lynn Page**, for vehicular damages alleged to have been sustained from an automobile accident on August 3, 2007 at Spring Street, NE and 14th Street, NE. **\$849.45**
- 08-R-0116 (6) Claim of **Ruby J. Newsome**, for property damages alleged to have been sustained when a fence and landscaping were destroyed on October 1, 2007 at 648 Erin Avenue. **\$1,023.00**
- 08-R-0117 (7) Claim of **Oluamayokun O. Okunola**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on November 27, 2007 at the intersection of 16th Street and State Street. **\$1,203.73**
- 08-R-0118 (8) Claim of **Alyssa Walz, Gregory Walz and Jenny Walz**, for damages alleged to have been sustained as a result of a vehicle accident on September 11, 2007 at the intersection of Howell Mill Road and Chattahoochee Highway. **\$1,298.60**
(Councilmember Sheperd made a motion to hold.)

HELD

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Three

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 08-R-0119 (9) Claim of **Marty Martin**, for damages alleged to have been sustained when a vehicle drove over a construction site on October 25, 2007 at 1809 Perry Boulevard, NW. **\$1,362.10**
- 08-R-0120 (10) Claim of **R. Dal Burton**, for damages alleged to have been sustained as a result of an automobile accident on July 25, 2007 at 2258 Howell Mill Road. **\$1,450.00**
- 08-R-0121 (11) Claim of **Kenya Anderson, through her attorney, C. Victor Long**, for damages alleged to have been sustained as a result of a trip and fall incident on a broken parking meter pole on April 13, 2007 at 142 Mitchell Street. **\$3,500.00**
- 08-R-0122 (12) Claim of **Scott Steinberg**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 26, 2007 at 3715 Peachtree-Dunwoody Road. **\$3,912.79**
- 08-R-0123 (13) Claim of **Shirley Cleaves**, for bodily injuries alleged to have been sustained from a trip and fall incident on an uneven section of sidewalk on October 2, 2006 at 2689 Knox Street, NE. **\$4,500.00**
- 08-R-0124 (14) Claim of **Robert Kent, through his attorney, Michael C. Cherof**, for damages alleged to have been sustained as a result of an automobile accident on August 4, 2007 at Williams Street and Forsyth Street. **\$6,340.00**
- 08-R-0125 (15) Claim of **Willie Buchanan, through his attorney, Robert B. Lipman, Lipman & Drew**, for bodily injuries alleged to have been sustained from an automobile accident on July 20, 2007 at Donald Lee Hollowell Parkway, NW and Marietta Boulevard, NW. **\$27,500.00**

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Four

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-0126 (16) Claim of **Angel David, through her attorney, Joseph C. Chancey, Esq., Drew, Eckl & Farnham, LLP**, for property damages alleged to have been sustained due to storm sewer overflow on May 16, 2003 at 877 Monroe Circle, NE.
- 08-R-0127 (17) Claim of **C. Dan Wyatt, III, through his attorney, Joseph C. Chancey, Esq., Drew, Eckl & Farnham, LLP**, for property damages alleged to have been sustained due to storm sewer overflow on May 16, 2003 at 881 Monroe Circle, NE.
- 08-R-0128 (18) Claim of **Lisa and Matthew Humphreys**, for damages alleged to have been sustained as a result of damages to their driveway apron on October 26, 2007 at 2115 Howell Mill Road.
- 08-R-0129 (19) Claim of **Celestial Spa**, for damages alleged to have been sustained when business revenues were lost due to a sewer improvement project from August 20, 2007 to present at 2930 Cascade Road, SW.
- 08-R-0130 (20) Claim of **Edith Collier, through her attorney, Anton L. Rowe**, for damages alleged to have been sustained as a result of an open water meter on May 14, 2007 at 953 Ashby Grove.
- 08-R-0131 (21) Claim of **National Subrogation Services, LLC, as subrogee of Lynne Kelly**, for property damages alleged to have been sustained from a sewer backup on August 2, 2007 at 3276 Glen Arden Drive.
- 08-R-0132 (22) Claim of **Sean Scott**, for damages alleged to have been sustained as a result of injuries sustained during his arrest and his incarceration on December 31, 2006 at 254 Peachtree Street, SW.

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Five

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-0133 (23) Claim of **Victoria Marie Johnson**, for damages alleged to have been sustained as a result of striking a construction cut on November 12, 2007 at 1163 14th Street.
- 08-R-0134 (24) Claim of **Justin Marks**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 14, 2007 at 3325 Piedmont Road.
- 08-R-0135 (25) Claim of **Denise Williams, individually and as Administrator of the Estate of Clarence Jackson and Bruce Jackson, through their attorney, Sam L. Starks**, for damages alleged to have been sustained during a sewer separation project in 2007 a 1044 Palmetto Avenue, SW.
- 08-R-0136 (26) Claim of **Janice Smith**, for damages alleged to have been sustained as a result of a trip and fall on April 4, 2007 at Zoo Atlanta, Boulevard Avenue entrance.
- 08-R-0137 (27) Claim of **Patricia Sinagra**, for damages alleged to have been sustained as a result of an automobile accident on July 31, 2007 at the intersection of Whiteford Road and Hardee Street.
- 08-R-0138 (28) Claim of **Jennifer Vandemark, through her attorney, Christopher Simon**, for damages alleged to have been sustained as a result of a slip and fall on October 10, 2007 at the Hartsfield-Jackson Atlanta International Airport.
- 08-R-0139 (29) Claim of **Angela D. Butler, through her attorney, Sam L. Starks, Esq.**, for property damages allegedly sustained from flooding due to storm sewer and creek overflow on July 10, 2005 at 249 Chicamauga Avenue, SW.
- 08-R-0140 (30) Claim of **Patricia Knowlton**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on June 20, 2007 at 11th and Juniper Streets.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-0141 (31) Claim of **James Harris**, for damages alleged to have been sustained during a sewer separation project on December 1, 2007 at Joseph E. Lowery Boulevard and Martin Luther King, Jr. Drive.
- 08-R-0142 (32) Claim of **Jay L. Rosenheck**, for damages alleged to have been sustained during the removal of an illegal connection to a water meter on June 7, 2007 at 7755 North Spalding Lake Drive.
- 08-R-0143 (33) Claim of **Helena Carter, through her attorney, Marcia M. Fuller, Esq., The Fuller Law Group, LLC**, for property damage allegedly sustained when a residence was flooded on a continuous basis at 2953 Dogwood Drive, East Point, Georgia.
- 08-R-0144 (34) Claim of **Kathleen Verner, through her attorney, Dennis McPherson**, for damages alleged to have been sustained as a result of personal injuries on September 17, 2007 at the Hartsfield-Jackson Atlanta International Airport.
- 08-R-0145 (35) Claim of **Calvin Ross and Pamela Ross, through their attorney, Patrick R. Matarrese, Esq., Montlick & Associates, P. C.**, for bodily injuries alleged to have been sustained from an automobile incident on June 20, 2007 at Hartsfield-Jackson Atlanta International Airport.
- 08-R-0146 (36) Claim of **Barry Long**, for damages alleged to have been sustained as a result of a sewage backup on March 24, 2007 at 373 Lakemoore Drive, NE.
- 08-R-0147 (37) Claim of **William F. Applegarth**, for damages alleged to have been sustained as a result of a storm water overflow on September 16, 2004 at 3085 West Andrews Drive, NW.
- 08-R-0148 (38) Claim of **William F. Applegarth**, for damages alleged to have been sustained as a result of a storm water overflow on July 9, 2005 at 3085 West Andrews Drive, NW.

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Seven

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-0149 (39) Claim of **William F. Applegarth**, for damages alleged to have been sustained as a result of a storm water overflow on July 9, 2005 at 3085 West Andrews Drive, NW.
- 08-R-0150 (40) Claim of **Patrick Carroll, through his attorney, Joseph C. Chancey, Esq., Drew, Eckl & Farnham, LLP**, for property damages alleged to have been sustained due to storm sewer overflow on May 16, 2003 at 885 Monroe Circle, NE.
- 08-R-0151 (41) Claim of **Patricia Hobbs and Ted Duncan, through their attorney, Joseph C. Chancey, Esq., Drew, Eckl & Farnham, LLP**, for property damages alleged to have been sustained due to storm sewer overflow on May 16, 2003 at 889 Monroe Circle, NE.
- 08-R-0152 (42) Claim of **Jeff & Abigail Lignugaris, through their attorney, Joseph C. Chancey, Esq., Drew, Eckl & Farnham, LLP**, for property damages alleged to have been sustained due to storm sewer overflow on May 16, 2003 at 869 Monroe Circle, NE.
- 08-R-0153 (43) Claim of **Terry L. and Stacy Dietzler, through their attorney, Joseph C. Chancey, Esq., Drew, Eckl & Farnham, LLP**, for property damages alleged to have been sustained due to storm sewer overflow on May 16, 2003 at 873 Monroe Circle, NE.
- 08-R-0154 (44) Claim of **James Mitchell, III**, for vehicular damages alleged to have been sustained from driving over a cracked and deteriorated sidewalk apron on July 27, 2007 at 421 Memorial Drive.
- 08-R-0155 (45) Claim of **Charles and Amie Mann, through their attorney, Joseph C. Chancey, Esq., Drew, Eckl & Farnham, LLP**, for property damages alleged to have been sustained due to storm sewer overflow on May 16, 2003 at 865 Monroe Circle, NE.

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Eight

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 08-R-0156 (46) Claim of **Debra Weeks, through her attorney, Lloyd Hoffspiegel, Esq., Hoffspiegel & Associates**, for bodily injuries alleged to have been sustained after stepping into a sewer clean-out meter box that was left open and in an unsafe condition on August 2, 2007 in the 200 block of Berean Street, NE.
- 08-R-0157 (47) Claim of **Michelle Gagne**, for damages alleged to have been sustained as a result of striking a construction cut on August 25, 2007 at 905 Juniper Street.
(Councilmember Sheperd made a motion approve items D1-D7, D9-D47 and to hold item D8.)

FAVORABLE (Items D1-D7 and D9-D47)

E. ORDINANCES FOR SECOND READING

- 08-O-0190 (1) An Ordinance by Councilmember H. Lamar Willis to amend Chapter 30, Article II of the City Code of Ordinances to reflect new fees for owners of Adult Entertainment establishments which sell alcohol to provide for certain programs for the prevention of sexual assault; and for other purposes.
(Councilmember Winslow made a motion to hold at the request of the author.)

HELD

- 08-O-0202 (2) An Ordinance by Councilmembers Kwanza Hall and Cleta Winslow imposing Interim Controls on the acceptance of applications for Alcohol Permits for properties located in the Castleberry Hill Landmark District, for a period not to exceed 180 days; and for other purposes.
(Councilmember Winslow made a motion to approve)

FAVORABLE

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Nine

F. PAPERS HELD IN COMMITTEE

- 06-R-0433 (1) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**
- 06-O-1044 (2) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**
- 06-O-1601 (3) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. **(Held 8/15/06 for further review)**
- 06-O-1908 (4) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City; to create a Taxicab Re-Inspection Fee, Horse-Drawn Carriage Company Permit Fee and Horse-Drawn Carriage Renewal Fee; and for other purposes. **(Public Hearing held 1/15/08) (Held 1/15/08 for a work session.)**

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Ten

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-0078 (5) An Ordinance by Councilmember Cleta Winslow **as amended by Full Council** to amend Chapter 30, Article II, Section 30-26 (b), of the City of Atlanta Code of Ordinances, so that meetings of the License Review Board are not held during the month of December; and for other purposes. **(Amended by Full Council and referred back by Council 1/16/07) (Held 1/30/07 so that a copy of the ordinance can be forwarded to the NPU's for review and comment)**
- 07-O-0249 (6) An Ordinance by Councilmembers Kwanza Hall and Cleta Winslow authorizing the Mayor or her designee to grant an exemption to the City's Distance Requirements for on-premise consumption of alcohol and the sale of wine by the package on the 300 block of Walker Street. **(Held 2/13/07 for further review.)**
- 07-R-0545 (7) Claim of **Nancy Montgomery**, for damages alleged to have been sustained as a result of a water main break during the installation of a sidewalk on June 6, 2006 at 2340 Hurst Drive, NE. **(Referred back from Council 4/16/07) (Held 5/1/07 at the request of Councilmember Shook.)**
- 07-O-1522 (8) An Ordinance by Councilmembers Anne Fauver and Natalyn Archibong to amend Chapter 18, Article I, of the Code of Ordinances of the City of Atlanta, so as to prohibit the practice of inhumanely chaining or tethering dogs; and for other purposes. **(Held 7/31/07 at the request of the author for further review.)**
- 07-O-1525 (9) An Ordinance by Councilmember Joyce Sheperd to amend Section 122-172 under Chapter 122, Article V, Division 2, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Secondary Metal Recycler is submitted; and for other purposes. **(Held 7/31/07 at the request of the author for further review. 9/25/07 a motion was approved to forward to the NPU's for review.)**

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Eleven

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1526 (10) An Ordinance by Councilmember Joyce Sheperd to amend Section 30-1503(a) under Chapter 30, Article XXV, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Self-Service Car Wash is submitted; and for other purposes. **(Held 7/31/07 at the request of the author for further review. 9/25/07 a motion was approved to forward to the NPU's for review.)**
- 07-O-1795 (11) An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. **(Held 8/28/07 for further review.)**
- 07-O-1800 (12) An Ordinance by Councilmembers C. T. Martin, Ceasar C. Mitchell, H. Lamar Willis, Ivory L. Young, Jr. and Joyce Sheperd **as substituted by Public Safety and Legal Administration Committee** to create Section 106-13 of the Code of Ordinances of the City of Atlanta, Georgia to be entitled "Wearing of Pants Below the Waist in Public, Unlawful"; to waive conflicting ordinances; and for other purposes. **(Held 8/28/07 at the request of the author for a work session and a public hearing.) (Substituted and held 9/11/07)**

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Twelve

PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1879 (13) An Ordinance by Public Safety and Legal Administration Committee to revise the City of Atlanta Code of Ordinances pertaining to secondary metal recyclers by amending the following Sections of Chapter 122, Article V, Divisions I and II; Section 122-151 (Definitions); Section 122-152 (Records Required); and Section 122-157 (Unlawful Acts); Section 122-171 (Required Application); to add the following new Sections to Chapter 122, Article V, Divisions I and II of the City of Atlanta Code of Ordinances: Section 122-158 (Daily Written Report to Police); Section 122-159 (Offenses; Defenses, Penalty); Section 122-160 (Possessor of Secondary Metals); Section 122-161 (License to Possess Secondary Metals); Section 122-162 (Revocation of License to Possess Secondary Metals); and Section 122-170 (Processing Application; Issuance of License, Possessor of Secondary Metals); to waive conflicting ordinances; and for other purposes. **(Public Hearing held on 10/30/07) (Held 10/30/07 for further review.)**
- 07-O-1905 (14) An Ordinance by Councilmember Mary Norwood to amend Article XXIV vending on Private Property; and for other purposes. **(Held 9/11/07 at the request of the Law Department)**
- 07-O-2137 (15) An Ordinance by Councilmembers Ceasar C. Mitchell, Ivory L. Young, Jr., C. T. Martin, Joyce Sheperd and Natalyn Archibong to create Section 98-26.1 of the Code of Ordinances of the City of Atlanta, Georgia to be entitled "Community Policing Training And Preparedness" (CoPTAP) Program which shall require that all members of each class of graduates from the Police Academy, beginning with Class Number 200, be assigned to foot patrol duty for a period of not less than six months, in the two Police Zones which have experienced the most significant increase in the rate of crime

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Thirteen

PAPERS HELD IN COMMITTEE (CONT'D)

and/or having the highest crime rate, with each subsequent class being split in half and so assigned to each remaining zone based upon the same criteria and in the same manner in descending order, until all six Police Zones have experienced the benefit of the CoPTAP Program; to provide that after the CoPTAP Program has been implemented in all six zones, it may be renewed and permanently implemented by subsequent action of the City Council; to waive all ordinances, rules, regulations, policies, practices and procedures in conflict herewith; and for other purposes. **(Held 10/9/07 for further review.)**

07-R-2294 (16) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to approve or reject the decision of the evaluator presiding in the early neutral evaluation process, an alternative dispute resolution process, in the matter of Veolia Water North America Operating Services, LLC v. City of Atlanta, in the U.S. District Court, Northern District of Georgia, Civil Action No. 06-CV-1457-TWT; and for other purposes. **(Held 10/30/07 for further review)**

07-O-2513 (17) An Ordinance by Councilmember Ceasar C. Mitchell to amend Ordinance #07-O-2135, adopted October 15, 2007 and approved October 22, 2007, amending Section 10-12 of the City Code, which amendment eliminated the provision allowing persons 18 years of age or older to provide entertainment in any premises licensed for the sale of alcoholic beverages, so as to exempt from said ordinance, those persons currently employed as entertainers with active and valid permits, which will afford such persons a "Grandfathered" status; and for other purposes. **(Held 11/27/07 at the request of the author.)**

Public Safety and Legal Administration Committee Minutes
January 29, 2008
Page Fourteen

G. ITEM NOT ON AGENDA

RESOLUTION

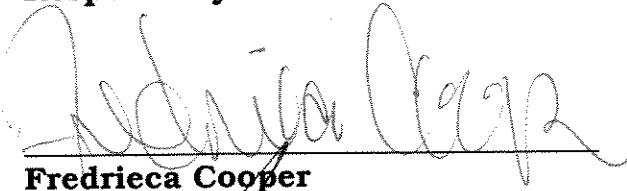
- 08-R-0207 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Camp Creek Investment Venture Limited v. City of Atlanta, Georgia, et al., Superior Court, Fulton County, Civil Action File No. 2006CV124235, in the amount of \$25,000.00; authorizing said payment to be charged to and paid from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-Departmental); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE


**Public Safety and Legal Administration Committee Minutes
January 15, 2008
Page Fifteen**

There being no further business to come before the Committee, the meeting was adjourned at 4:47 p.m.

Respectfully Submitted:



**Fredriecca Cooper
Legislative Assistant**


**Bernard Thomas
Research and Policy Analyst**
**The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee**